

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

JOHN STUART,

Defendant.

21-CR-07-LJV-JJM

NOTICE OF MOTION

MOTION BY:

Jeffrey T. Bagley, Assistant Federal Public
Defender

DATE, TIME & PLACE:

Before the Honorable Jeremiah J. McCarthy, United
States Magistrate Court Judge, Robert H. Jackson
United States Courthouse, 2 Niagara Square,
Buffalo, New York, **on the papers submitted.**

SUPPORTING PAPERS:

Affirmation of Assistant Federal Public Defender
Jeffrey T. Bagley, dated July 23, 2021.

RELIEF REQUESTED:

To adjourn the pretrial motions deadline and
scheduling order for 30 days.

DATED:

Buffalo, New York, July 23, 2021.

Respectfully submitted,

/s/ Jeffrey T. Bagley

Jeffrey T. Bagley
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Federal Public Defender's Office
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(716) 551-3341, (716) 551-3346 (Fax)
jeffrey_bagley@fd.org
Counsel for Defendant John Stuart

TO: Laura A. Higgins
Assistant United States Attorney

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AFFIRMATION

JEFFREY T. BAGLEY, affirms under penalty of perjury that:

1. I am an Assistant Federal Public Defender for the Western District of New York and I represent the defendant, John Stuart, in the instant matter.

2. The instant motion respectfully requests an extension of 30 days for the defendant to file pretrial motions currently due July 26, 2021.

3. The parties are engaged in active plea negotiations, and I expect an approved plea soon. This may result in motion practice becoming unnecessary.

4. Further, our forensic expert has been exceptionally busy and has not had an opportunity to discuss his review with me. These matters might impact any motion practice.

5. I have discussed this request with Assistant United States Attorney Laura A. Higgins, and Ms. Higgins has no objection to an adjournment.

6. Should the motion be granted, the government and the defendant agree that the speedy trial time between the granting of the adjournment and the new pretrial motion deadline is excludable in the interests of justice.

WHEREFORE, it is respectfully requested that the pretrial motion deadline and scheduling order be adjourned for 30 days.

DATED: Buffalo, New York, July 23, 2021.

Respectfully submitted,

/s/ Jeffrey T. Bagley

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